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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,649	04/13/2001	Satoshi Okamoto	0879-0310P	1743
2292	7590	03/23/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			AGGARWAL, YOGESH K	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/23/2007	ELECTRONIC

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/833,649	OKAMOTO, SATOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yogesh K. Aggarwal	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14, 16-45 and 47-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14, 16-45 and 47-63 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-14, 16-45 and 47-63 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (US Patent # 6,967,675).

[Claim 1]

Ito et al. teaches an image data transmitting device (figure 1, digital camera) comprising:

an information processing device (CPU 32 that controls the thumbnail create 18) that creates a reduced image data based on a subject main image data, and stores an image file including the subject main image data and the reduced image data in a storage medium (col. 4 lines 50-61, col. 4 lines 31-39, col. 5 lines 16-23); and

a communication device (communication circuit 36) that transmits the image file stored in the storage medium to an external apparatus (col. 6 lines 1-22),

wherein the information processing device (32) deletes from the image file in the storage medium the subject main image data after the communication device transmits the image file data and keeps the reduced image data of the image file after the subject main image data is deleted (col. 10 lines 10-31, figure 6, also see col. 8 lines 51-62, figure 4).

[Claim 30]

This is a method claims corresponding to apparatus claim 1. Therefore it has been analyzed and rejected based upon apparatus claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 14, 30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579) in view of Ichihara (US Patent # 6,977,680).

[Claim 1]

Suzuki teaches an image data transmitting device (figure 1, digital camera) comprising:  
an information processing device (16) that creates a reduced image data based on a subject main image data, and stores an image file including the subject main image data and the reduced image data in a storage medium (See figure 11, col. 12 lines 48-64) and  
a communication device (19) that transmits the image file stored in the storage medium to an external apparatus (receiving side, figure 36, col. 19 line 59-col. 20 line 12).

Suzuki fails to teach wherein the information processing device deletes from the image file in the storage medium the subject main image data after the communication device transmits the image file data and keeps the reduced image data of the image file after the subject main image data is deleted.

However Ichihara teaches an image data transmitting device (figures 3 and 4, camera 30), comprising: a communication device (communication apparatus 35) that transmits a subject main

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image data stored in a detachable storage medium to an external apparatus (hard disk 41, col. 5 lines 38-41, col. 1 lines 25-28); and an information processing device that deletes the subject main image data stored in the storage medium after the communication device transmits the subject main image data, and that keeps reduced image data of the main image data stored in the storage medium after the subject main image data is deleted (col. 5 lines 45-49, col. 5 line 66-col. 6 line 22).

Therefore taking the combined teachings of Suzuki and Ichihara, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the information processing device delete from the image file in the storage medium the subject main image data after the communication device transmits the image file data and keeps the reduced image data of the image file after the subject main image data is deleted in order to only store the thumbnail in the memory, the necessary memory capacity can be reduced, and even when the user takes a large number of pictures, it is not necessary to prepare a large number of sheets of the flash memory as taught in Ichihara (col. 6 lines 18-22).

[Claim 3]

Ichihara teaches a CPU 30 that controls the data and the whole process when the camera is connected to a PC (col. 5 lines 24-30).

[Claim 4]

Ichihara teaches transmitting images automatically to an external device (col. 5 lines 45-49).

[Claim 14]

Ichihara teaches an imaging device (figure 3, CCD 32) that captures the main image data, wherein the main image data is stored in the storage medium (flash memory 36).

[Claims 30, 32, 33]

These are method claims corresponding to apparatus claims 1, 3 and 4 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 1, 3 and 4.

5. Claims 2 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) in view of Nanba (US Patent # 6,297,870).

[Claim 2]

Suzuki in view of Ichihara fails to teach a user setting erasure setting for the images. However Nanba teaches a delete key D for deleting the images recorded in the memory card 8 (col. 3 lines 43-46, figure 1). It would be obvious to one skilled in the art that a delete key may be pressed at any time by a user e.g. after the communication device transmits the main image data to the external apparatus.

Therefore taking the combined teachings of Suzuki, Ichihara and Nanba, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have user setting erasure setting for the images in order to delete the images according to the user's commands.

[Claim 31]

This is a method claim corresponding to apparatus claim 2. Therefore it has been analyzed and rejected based upon apparatus claim 2.

6. Claims 5, 6, 34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) in view of Tamura (JP Patent # 09-37125).

[Claims 5 and 6]

Suzuki in view of Ichihara fails to teach wherein the information-processing device adds an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted. However Tamura teaches wherein the information processing device adds an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted (Paragraph 23, figure 5). Therefore taking the combined teachings of Suzuki, Ichihara and Tamura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have added an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted in order for the user to easily distinguish the transmitted files.

[Claims 34, 38]

These are method claims corresponding to apparatus claims 5 and 6 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 5 and 6.

7. Claims 7-11, 35-37, 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680), Tamura (JP Patent # 09-37125) and in further view of Tomat et al. (US Patent # 6,784,925).

[Claims 7, 10 and 11]

Suzuki in view of Ichihara in view of Tamura teaches the limitations of claim 6 but fails to teach “further comprising a first displaying device that displays a reduced image with at least one of information that the main image data has been transmitted, and information indicating the external apparatus and an information processing device that adds the information that the main image data has been transmitted, and information indicating the external apparatus”. However

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Tomat et al. teaches that a displaying device (figure 22, element 190) that displays thumbnail images (192) along with information like an acquired icon 224 (figure 24) which indicates the type of the device from where the information can be downloaded and that the main image (col. 15 lines 66-67, col. 16 lines 1-10) and numeral 212 (figure 23) that indicates that indicates which photograph group the picture belongs to. In other words, whether the main image has been transmitted from the camera or any other external device. The PC or camera inherently have a CPU which adds the icons (224 and 212) associated with the thumbnail images 192. Therefore taking the combined teachings of Suzuki, Ichihara, Tamura and Tomat et al., it would have been obvious to one skilled in the art at the time of the invention to have a first displaying device that displays a reduced image with at least one of information that the main image data has been transmitted, and information indicating the external apparatus and an information processing device that adds the information that the main image data has been transmitted, and information indicating the external apparatus. The benefit of doing so would be so that the user can easily verify the source of the images and auto-correct the images by looking at the icons associated with the thumbnail images.

[Claim 8]

Suzuki, Ichihara in view of Tamura teaches the limitations of claim 6 but fails to teach “a third setting device with which the user sets reception of the main image data according to the reduced image data stored in the storage medium, wherein the communication device receives the main image data from the external apparatus and stores the main image data in the storage medium”. However Tomat et al. teaches that a displaying device (figure 22, element 190) that displays thumbnail images (in area 192) that is selected and will cause a full-resolution image associated

with it to be copied to the storage device (col. 16 lines 11-20) after downloading from the digital camera in order to view the main image corresponding to the thumbnail image. Therefore taking the combined teachings of Suzuki, Ichihara, Tamura and Tomat et al., it would have been obvious to one skilled in the art at the time of the invention to have a first displaying device that displays a reduced image and a setting device with which the user sets reception of the main image data according to the reduced image data stored in the storage medium, wherein the communication device receives the main image data from the external apparatus and stores the main image data in the storage medium. The benefit of doing so would be so that the user can easily manipulate images and view them based on the thumbnail images.

[Claim 9]

Tomat teaches that after the full resolution file is moved to a storage device (along with associated information) the corresponding photogroup is deleted from the camera so that the CPU replaces the previous information that the main image has been transmitted (col. 16 lines 11-27).

[Claims 35-37]

These are method claims corresponding to apparatus claims 7-9 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 7-9.

[Claims 39-43]

These are method claims corresponding to apparatus claims 7-11 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 7-11.

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8. Claims 12, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) in view of Allen et al. (US Patent # 5,737,491).

[Claim 12]

Suzuki in view of Ichihara teaches the limitations of claim 1 but fails to teach "a fourth setting device with which the user sets transmission of the main image data stored in the storage medium to the external apparatus, wherein the information processing device produces a transmission information file that shows information set with the fourth setting device, and the communication device transmits the main image data stored in the storage medium to the external apparatus according to the information shown in the transmission information file".

However Allen et al. teaches an image file being appended to the digitized voice command header and transmitted to the image fulfillment server where it is compared and decoded based on the appended voice file (col. 5 lines 6-17) in order to decode the image file. Therefore taking the combined teachings of Suzuki, Ichihara and Allen, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a device with which the user sets transmission of the main image data stored in the storage medium to the external apparatus, wherein the information processing device produces a transmission information file that shows information set with the setting device, and the communication device transmits the main image data stored in the storage medium to the external apparatus according to the information shown in the transmission information file. The benefit of doing so would be to have the image file decoded by the external apparatus according to the transmission file generated by the transmission device.

[Claim 44]

This is a method claim corresponding to apparatus claim 12. Therefore they have been analyzed and rejected based upon apparatus claim 12.

9. Claims 13, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) in view of Oie (US Patent # 6,188,431).

[Claim 13]

Suzuki in view of Ichihara teaches the limitations of claim 1 but fails to teach “a second displaying device that displays a message that the main image data is being transmitted while the communication device is transmitting the main image data to the external apparatus”. However Oie teaches that during image transmission the message “WAIT” indicating that the image data is currently being transferred appears on the LCD (col. 6 lines 25-36) in order to inform the user that the file is being transmitted. Therefore taking the combined teachings of Suzuki, Ichihara and Oie, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a second displaying device that displays a message that the main image data is being transmitted while the communication device is transmitting the main image data to the external apparatus. The benefit of doing so would be so that the user can know if the file has been transmitted successfully.

[Claim 45]

This is a method claim corresponding to apparatus claim 13. Therefore they have been analyzed and rejected based upon apparatus claim 13.

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10. Claims 16-21, 29, 47-51 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680), Nanba (US Patent # 6,297,870) in view of Niikawa et al. (US PG-PUB # 2002/0101440).

[Claim 16]

Suzuki in view of Ichihara teaches the limitations of claim 1 but fails to teach “a user setting erasure setting for the images and whereby the reduced image data is produced simultaneously with production and deletion of main image data”.

However Nanba teaches a delete key D for deleting the images recorded in the memory card 8 (col. 3 lines 43-46, figure 1).

Therefore taking the combined teachings of Ichihara and Nanba, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have user setting erasure setting for the images in order to delete the images according to the user's commands.

Suzuki in view of Ichihara fails to teach whereby the reduced image data is produced simultaneously with production of main image data.

However Niikawa teaches the generation of thumbnail image data and main image data in a single file, which must be generated or deleted simultaneously in order to conform to the EXIF standard (Paragraph 41 and figure 3).

Therefore taking the combined teachings of Suzuki, Ichihara, Nanba and Niikawa, it would have been obvious to one skilled in the art at the time of the invention to have the reduced image data be produced simultaneously with production of main image data in order to conform with EXIF standard. The benefit of doing so would be to store both the low-resolution and high-resolution data together in an EXIF file format.

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[Claims 17-21, 29]

These claims are similar to claims 2-6, 14. Therefore they have been analyzed and rejected based upon claims 2-6, 14.

[Claims 47-51]

These are method claims corresponding to apparatus claims 16-20 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 16-20.

[Claim 55]

This claim is similar to claim 38. Therefore it has been analyzed and rejected based upon claim 38.

11. Claims 22-26, 52-54, 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) and Niikawa et al. (US PG-PUB # 2002/0101440) and in further view of Tomat et al. (US Patent # 6,784,925).

[Claims 22-26]

These claims are similar to claims 7-11. Therefore they have been analyzed and rejected based upon claims 7-11.

[Claims 52-54]

These are method claims corresponding to apparatus claims 22-24 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 22-24.

[Claims 56-60]

These claims are similar to claims 39-43. Therefore they have been analyzed and rejected based upon claims 39-43.

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12. Claims 27, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) and Niikawa et al. (US PG-PUB # 2002/0101440) and in further view of Allen et al. (US Patent # 5,737,491).

[Claim 27]

This claim is similar to claim 12. Therefore it has been analyzed and rejected based upon claim 12.

[Claim 61]

This claim is similar to claim 44. Therefore it has been analyzed and rejected based upon claim 44.

13. Claims 28, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) and Niikawa et al. (US PG-PUB # 2002/0101440) and in further view of Oie (US Patent # 6,784,925).

[Claim 28]

This claim is similar to claim 13. Therefore it has been analyzed and rejected based upon claim 13.

[Claim 62]

This claim is similar to claim 45. Therefore it has been analyzed and rejected based upon claim 45.

14. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) and further in view of Tamura (JP Patent # 09-37125).

[Claim 63]

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Suzuki in view of Ichihara teaches an image data processing device (Ichihara, figures 3 and 4, camera 30), a transmission device (communication apparatus 35) that transmits at least said basic image data to an external storage device (hard disk 41, col. 5 lines 38-41).

Suzuki in view of Ichihara fails to teach wherein the information-processing device adds an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted. However Tamura teaches wherein the information processing device adds an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted (Paragraph 23, figure 5). Therefore taking the combined teachings of Suzuki, Ichihara and Tamura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have added an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted in order for the user to easily distinguish the transmitted files.

*Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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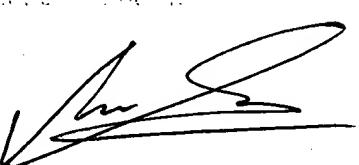
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA  
March 18, 2007



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